

REMARKS

Examiner Sasan has informed Applicant's representative that the PTO, as of this writing, has been unable to find the references submitted with the Information Disclosure Statement filed by Applicant on June 13, 2007.

Applicant hereby provides courtesy copies of all of the references listed on the form SB08 previously filed with the June 13, 2007 IDS that were able to be reobtained at this date. In this regard, please note that while most of the references listed on that form SB08 are enclosed, we were not able to reobtain at least the following references:

A85 - "Pfizer: Caduet approved in US The FDA has approved Pfizer's Caduet in the US," DATAMONITOR COMMENTWIRE, February 4, 2004, 1 pg..;

A90 - "Geminex – Dual Drugs, Dual Releases," Drug Delivery Technologies – Geminex – Penwest Pharmaceutical Co., 2003, 1 pg.;

A91 - "Layer Capsules ENCAP DRUG DELIVERY," layer capsules co-administer solid liquid components, 2003, 1 pg.;

A93 - "DuoCap Capsules™, ENCAP DRUG DELIVERY" liquid fill encapsulation preferable to tablet alternative, <http://www.encapdrugdelivery.com/multi-component.html>, 2003. pgs. 1 & 2; and,

A95 - "Ingestible Encapsulation," BioProgress 1 Inestible Encapsulation, <http://www.bioprogress.com/ingestible.html>, 2003 pp. 1-2.

Applicants cannot verify the accuracy of the web page printouts, owing to the unstable nature of documents presented on the world wide web.

An additional copy of the Forms PTO/SB/08 previously submitted are enclosed for the PTO's convenience in Appendix A, (A copy of the stamped postcard evincing submittal of those documents and the accompanying references was submitted with the Response of September, 2007.)

Pursuant to the telephone interview of September 26, 2007, and the subsequent telephone interviews, Applicant hereby resubmits copies of the missing documents as available to Applicant. Applicant submits that he is entitled to the filing date of the IDS in which these documents were first cited, and thus no fees will be necessary, and that the documents should be considered as if they were submitted on June 13, 2007, which they were.

Timing

Applicant submits that he is entitled to the filing date of the IDS in which these documents were first cited to the (June 13, 2007), and thus no fees will be necessary, and that the documents should be considered as if they were submitted on June 13, 2007.

Regarding the missing references, Applicants request that the PTO acknowledge that Applicant has identified those references to the PTO and previously submitted those references to the PTO, but that they have since been lost by the PTO after being received by Applicant.

Request for Interview

Applicant respectfully requests that in the event that the PTO does not agree that the claims are in condition for allowance, Examiner Sasan extend the courtesy of an interview to Applicants' representative prior to the generation of any next office action.

Specifically, Applicants request that Examiner Sasan contact his representative, Martin Cosenza, at (202) 295-4747, to schedule an in-person interview to this application, prior to any next office action that is not a notice of allowance / Quayle action.

Applicants hereby submit a Request for Interview form in Appendix B.

In view of the interviews regarding the missing references, Applicants submit that the details of those interviews as detailed herein provide proper recordation of the substance of the interview, per MPEP §713.04.

Conclusion

Applicant believes that the present application is in condition for allowance.
Favorable reconsideration is requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Sasan is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Date May 19, 2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4747
Facsimile: (202) 672-5399

Respectfully submitted,

By _____

Martin J. Cosenza
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Registration No. 48,892